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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
AT SAN FRANCISCO

IN RE LARRY FORTADO, SR., as
petitioner/owner seeking limitation of
liability under 46 USC § 30501, *et. seq.*,

IN ADMIRALTY AND AT LAW

Owner/Petitioner,

CV 11 3257

**[PROPOSED] ORDER DIRECTING
ISSUANCE OF NOTICE AND
PUBLICATION THEREOF, AND
RESTRAINING ORDER**

WHEREAS, Plaintiff-in-Limitation, Larry Fortado, Sr., as the sole owner of the fishing vessel PHYLLIS J ("Vessel"), has, contemporaneously with this proposed order, filed a Complaint-in-Limitation seeking exoneration from or limitation of liability for any and all losses, injuries and/or damages occasioned as a result of the grounding of the Vessel on or about January 3, 2011 on the coast of California, and certain other relief; and

WHEREAS, the Complaint having stated the facts and circumstances upon which said exoneration or limitation is claimed; and

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1 WHEREAS, it appearing that the claims that may be made against Plaintiff-in-Limitation
2 may be in amounts which exceed or will exceed the value all of Plaintiff-in-Limitation's interest
3 in the fishing vessel PHYLLIS J for losses, injuries and/or damage is said to have been
4 occasioned or incurred in consequence of the aforesaid voyage and the grounding of the Vessel;
5 and

6 AND NOW THEREFORE, on the application of Young deNormandie, P.C., counsel for
7 Plaintiff-in-Limitation, it is hereby:

8 ORDERED that the Clerk of this Court issue a notice forthwith, in the form submitted
9 with this order, to all persons or entities asserting claims with respect to which the Complaint
10 seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk
11 of the Court and serve the attorneys for Plaintiff-in-Limitation with a copy thereof within thirty
12 (30) days of the issuance of the notice;

13 AND IT IS FURTHER ORDERED that public notice shall be given by publication
14 thereof in the legal newspaper known as "Daily Journal," and that such notice shall be published
15 once a week for four consecutive weeks prior to the date of fixed herein for filing of claims;

16 AND IT IS FURTHER ORDERED that no later than the date of the second publication
17 of said notice, Plaintiff-in-Limitation shall mail a copy of said notice to every person or concern,
18 if any, known to have made any claim against Plaintiff-in-Limitation and to any person who shall
19 be known to have made a claim on account or as a result of the incident involving the grounding
20 of the PHYLLIS J on or about January 4, 2011;

21 AND IT IS FURTHER ORDERED that the continued prosecution of any and all suits,
22 actions or proceedings which may already have begun against Plaintiff-in-Limitation in any court
23 whatsoever to recover damages arising out of, or occasioned by, or consequent upon the
24


1 aforesaid voyage or trip on which the F/V PHYLLIS J was engaged when she ran aground, and
2 the institution or prosecution of any suits, actions are legal proceedings of any nature or
3 description whatsoever in any court whatsoever, except in this proceeding for exoneration from
4 or limitation of liability against plaintiff in limitation, in respect of any claim or claims arising
5 out of the aforesaid voyage or trip on which the PHYLLIS J was then engaged, or otherwise
6 subject to limitation proceeding, be and the same are hereby stayed and restrained;

7 AND IT IS FURTHER ORDERED that a certified copy of this Order as a restraining
8 order shall be served by certified mail, return receipt requested, on the persons or entities to be
9 restrained, or to their respective attorneys or representatives;

10 AND IT IS FURTHER ORDERED that the publication and mailing of copies of the
11 notice to claimants, required by Rule F(4), Supplemental Rules for Certain Admiralty and
12 Maritime Claims, Federal Rules of Civil Procedure, shall constitute due notice to all persons
13 asserting claims with respect to which said complaint seeks limitation or exoneration.

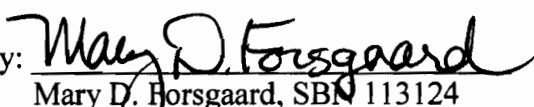
14 IT IS SO ORDERED.

15 August 10,
16 Dated: June ___, 2011


Honorable _____
UNITED STATES DISTRICT COURT
Northern District of California

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18
19 Presented By:

20 Young deNormandie, P.C.

21
22 By: 
23 Mary D. Forsgaard, SBN 113124
Attorneys for Owner/Petitioner